

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CLINTON JAVIER ALMONTE CHAPMAN,  
Petitioner,

– *against* –

COMMISSIONER OF SOCIAL SECURITY,  
Respondent.

**ORDER**

21-cv-01303 (ER)

RAMOS, D.J.:

On February 12, 2021, Clinton Javier Almonte Chapman, *pro se*, brought a Complaint against Commissioner of Social Security and requested to proceed *in forma pauperis* (IFP). Docs. 1, 2. The Court referred the case to Magistrate Judge Ona T. Wang on February 16, 2021. Doc. 4. On February 19, 2021, this Court denied Chapman’s IFP request and granted him until March 5, 2021, to either file an amended IFP application or to pay the filing fee, so that the case may proceed. Doc. 5. No payment or filing was made.

On November 8, 2023, Judge Wang issued an Order further directing plaintiff to either pay the \$402 filing fee or to file an amended IFP application by December 8, 2023. Judge Wang cautioned Chapman that “failure to do so **will** result in [her] recommending Plaintiff’s case be dismissed for failure to prosecute under Fed. R. Civ. P. 41(b).” Doc. 6. No payment or filing was made.

Judge Wang issued a Report and Recommendation (“R&R”) on April 25, 2024, recommending this action be Dismissed. Doc. 7. The R&R made clear that the parties had fourteen days to file written objections to the Report. *Id.* at 2. To date, no objections have been made.

**I. STANDARD OF REVIEW**

A district court reviewing a magistrate judge's report and recommendation "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). Parties may raise "specific," "written" objections to the report and recommendation "[w]ithin fourteen days after being served with a copy." *Id.*; *see also* Fed. R. Civ. P. 72(b)(2).

A district court reviews *de novo* those portions of the report and recommendation to which timely and specific objections are made. 28 U.S.C. § 636(b)(1)(C); *see also United States v. Male Juvenile (95-CR-1074)*, 121 F.3d 34, 38 (2d Cir. 1997). The district court may adopt those parts of the report and recommendation to which no party has timely objected, provided no clear error is apparent from the face of the record. *Lewis v. Zon*, 573 F. Supp. 2d 804, 811 (S.D.N.Y. 2008).

**II. DISCUSSION**

Notwithstanding that no objections were filed, the Court reviewed Magistrate Judge Wang's well-reasoned Report and finds no error, clear or otherwise. The Court therefore adopts Magistrate Judge Wang's recommendation.

**III. CONCLUSION**

For the reasons set forth above, Chapman's Complaint is DISMISSED. The Clerk of the Court is respectfully directed to close the case.

It is SO ORDERED.

Dated: June 11, 2024  
New York, New York



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EDGARDO RAMOS, U.S.D.J.